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SUBJECT: MOZAMBIQUE: WORST FORMS OF CHILD LABOR REPORT

REF: STATE 184972

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Summary -----

¶1. Mozambique is a party to the ILO convention against the worst forms of child labor. The Government of the Republic of Mozambique (GRM) has a regulatory framework in place to monitor and prosecute infractions of the labor code, but it does not have a regulatory body specifically devoted to child labor cases. The Ministry of Labor (MOL) and non-governmental organizations (NGOs) have increased efforts to develop programs to combat the worst forms of child labor, but impact to date remains minimal. The Labor Law regulates child labor; however, child labor remains a problem in Mozambique. Forced and bonded labor are common practices in rural areas. End Summary.

Laws Proscribing the Worst Forms of Child Labor -----

¶2. Law 8/98 sets the minimum age for employment at 15 years, but, in exceptional cases, allows for children between the ages of 12 and 15 to work with the joint approval of the Ministries of Labor, Health, and Education. The law sets restricted conditions on the work that minors between the ages of 15 and 18 may perform, limits the number of hours they can work, and establishes training, education, and medical exam requirements. Children between the ages of 15 and 18 are prohibited from being employed in unhealthy or dangerous occupations or occupations requiring significant physical effort, as determined by the MOL. Article 79 of the Labor Law stipulates that employers must provide children between 12 and 15 with vocational training and offer age-appropriate work conditions. For children between 15 and 18 years of age, the employer is required to provide for their education and professional training and to ensure conditions of work that are not damaging to their physical and moral development. During 2006 the government's Child Protection Committee, which was formed in 2004 in response to an NGO analysis of children's legal issues, finalized the drafting of a child protection law. The Council of Ministers plans to submit the draft law for parliamentary approval in 2007.

13. For minors under 18 years, the maximum workweek is 38 hours and the maximum workday is 7 hours. Children must undergo a medical examination before beginning work. By law, children must be paid at least the minimum wage or a minimum of two-thirds of the adult salary, whichever is higher. Children, including those under the age of 15, commonly worked on family farms in seasonal harvests or commercial plantations, where they were paid on a piecework basis. In the urban informal sector children performed such tasks as guarding cars, collecting scrap metal, working as vendors, and selling trinkets and food in the streets, and presumably are paid on a piecework basis. Children also were employed as poorly paid domestic laborers, and their number continues to increase.

14. Mozambican law does not specifically prohibit trafficking in persons. Traffickers can be prosecuted using 13 related articles of the penal code on sexual assault, rape, abduction, and child abuse. Mozambique prosecuted its first trafficking case in March 2006, resulting in the conviction of two men for kidnapping and attempting to sell a 13-year-old boy. The government has investigated reports of trafficking, including press reports, issued public awareness announcements, and held local workshops. In March 2006, the Ministry of Justice signed an agreement with an NGO to jointly draft a comprehensive law against trafficking in persons, including children. Trained police officials continued to staff women's shelters at police stations to protect trafficking victims in Maputo, Beira, Nampula, and several large towns in Gaza Province.

15. On May 2, 2006, the Mozambican NGO Civic Education Forum (FECIV) inaugurated the country's first permanent shelter for trafficking victims outside the town of Moamba. The shelter is located half way between Maputo and the South African border post of Ressano Garcia, which is a major crossing point for trafficked persons. The shelter receives

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funding from several NGOs and the USG, and serves approximately 25 women and children at a time. FECIV also began a program to screen for victims of trafficking among the 800 to 1,000 illegal Mozambican immigrants repatriated each month by South African immigration authorities. The Department of Migration maintains an agreement with the government of South Africa to share facilities and information, including information on trafficking in persons.

16. The government ratified ILO Conventions 29, 138, 182 in June 2003. Mozambique ratified the UN Convention on the Rights of the Child in April 1994, the UN Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography in March 2003, and the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons in September 2006. Focus on children's rights continues to be a primary focus of the government, particularly as it relates to HIV/AIDS and trafficking in persons.

Implementation and Enforcement of Labor Laws

17. The MOL is authorized to regulate child labor in both the informal and formal sectors. Labor inspectors are authorized to obtain court orders and use police to enforce compliance with child labor provisions. Violations of child labor provisions are punishable with fines ranging from 1 to 10 times the monthly minimum wage. Enforcement remedies generally are adequate in the formal sector, but remain poor in the regulation of informal child labor. The Labor Inspectorate and police force lack adequate staff, funds, and training to investigate child labor cases, especially in areas outside of the capital, where many cases occur. Post is unaware of any child labor investigations occurring in 2006. The government provides training for police on child

prostitution and abuse (including pornography); however, there is no specialized child labor training for the Labor Inspectorate. The government has disseminated information and provided education about the dangers of child labor.

Social Programs to Counter Child Labor

¶18. The MOL and other organizations have done some work on child labor issues, but with little impact. The MOL has developed an action plan for reducing child labor and allocated funds to organize seminars to discuss this issue. In 2006 the Eliminating Child Labor in Tobacco Foundation issued the results of a study conducted during the latter months of 2005 to measure incidents of child labor in the tobacco growing industry in Tete and Niassa Provinces. The study found that 80 percent of tobacco farms employed children, and the majority of these children were under age ¶15. The Foundation planned to present the results to the Mozambican government for action. The trade union movement in Mozambique has been involved in the eradication of child labor. The Confederation of Trade Unions (OTM) has participated in several initiatives against child labor, particularly in rural areas where this is common, including participation in seminars and workshops as well as in the design of the child labor regulations.

¶19. The U.S. Department of Labor Bureau of International Labor Affairs currently funds two projects in Mozambique, which began in 2005. The first project is a study on child domestic workers in rural and urban areas, including child trafficking victims. The second project is a study on child prostitution throughout the country.

¶110. The GRM also has programs aimed at supporting children from impoverished families to stay in school and away from the labor market and the worst forms of child labor. For example, the GRM has established a scholarship program to cover the costs of school materials and fees for children. These programs are targeted particularly at vulnerable groups affected by HIV/AIDS such as young girls, orphans, and child-headed households.

¶111. Education is compulsory and free through the age of 12, but there is a matriculation fee for each child, and children are responsible for purchasing books, uniforms, and

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school supplies (spending on these associated costs often was higher than matriculation fees). Such fees and associated costs represented a significant financial burden for many families. Children who have a certificate that testifies that their parents' incomes are below a certain poverty level do not pay any matriculation fees. Enforcement of compulsory education laws is inconsistent due to the lack of resources and the need for additional schools.

National Policy

¶112. While the Ministry of Education has made significant progress in increasing school enrollments at all levels, significant challenges remain. UNICEF estimates that in 2005, 83 percent of children were enrolled in primary education in Mozambique. Completion rates remain much lower; in 2004, only 28 percent of girls and 40 percent of boys completed primary school. The government's 2007 economic and social plan aims to increase the overall number of students by 13 percent as well as recruit 9,000 new teachers. The GRM's Second Poverty Reduction Strategy for 2006-2010 also includes an education investment component. The government has set goals to achieve gender equilibrium in primary schools over the next five years, and by 2015 ensure that all children complete the full cycle of primary education. The program also seeks to improve access to and

quality of education at all levels, by investing in teacher training and school equipment (particularly in rural areas), by increasing the amount of time children spend at school, by providing additional vocational programs, and by orienting the curriculum to specific employment opportunities.

¶13. The Ministry of Education and Culture and UNICEF are working together to implement an innovative package of school interventions to improve access and quality, known as the Child-Friendly School (CFS) initiative. CFS includes learning and teaching material, extracurricular life skills programs on HIV/AIDS prevention and girls' empowerment, and access to social services for orphaned and vulnerable children.

¶14. Since 2000, UNICEF has been supporting the national broadcaster Radio Mozambique in the development and implementation of Child-to-Child radio. It now consists of 24 different programs, which are broadcast by the national and all provincial studios of Radio Mozambique in 16 local languages and Portuguese. The program includes themes such as child abuse and violence, HIV/AIDS and health awareness, and girls' access to education. To ensure nationwide outreach, the programs occasionally are also broadcast live from districts and remote communities. The program involves 75 children and young people as regular contributors. In 2004 the program was expanded to include television. A weekly program, broadcast on Mozambique's government television channel, entitled "Roda Viva" is dedicated to children's rights and involves 16 children and young people in program design, production, and presentation.

Incidence and Nature of Child Labor

¶15. Current statistics on the incidence of child labor in Mozambique are not available; however, according to a 2000 report released by the Brussels-based International Confederation of Free Trade Unions (ICFTU), nearly 33 percent of Mozambican children between the ages of 10-14 were believed to be economically active. UNICEF estimates that more than one million Mozambican children under 14 are subject to exploitative labor. A rapid assessment child labor survey of children under 18 conducted between 1998 and 2002 by the MOL and UNICEF identified the worst forms of child labor prevalent in Mozambique as children working in commercial agriculture, domestic labor, and child prostitution. Forced and bonded labor are common practices in rural areas, and there is no legislation prohibiting these practices.

¶16. The major factors contributing to child labor in Mozambique were chronic family poverty, lack of employment for adults, breakdown of family support mechanisms, changing

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economic environment, lack of educational opportunities resulting from inadequate education system, gender inequality, and the impact of HIV/AIDS. Regarding education, UNICEF reports that more than half of primary school-aged children leave school before they complete grade five; many of these children eventually enter the informal job market, where they are subject to abuse and exploitation. The effect of HIV/AIDS continues to intensify. In 2006 approximately 99,000 children under the age of 15 were living with HIV/AIDS; the majority were below the age of five. It is estimated that by 2010 the number will increase to 121,000. According to UNICEF, of the country's 1.6 million orphans, more than 470,000 have lost one or both parents to AIDS, and that number is expected to rise to approximately 626,000 by 2010. It is estimated that one in every five households in Mozambique cares for at least one orphan. Children orphaned by HIV/AIDS often are forced to work because they are left without any adult family members or with only extended family members who were

unable to support them.

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